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1 as a defendant has been stricken for failure to comply with Rule 15(a). Mr. Bateman has been
2 terminated from this matter and is not a defendant. *See* ECF No. 19. Accordingly,

3 **IT IS RECOMMENDED** that Sam Bateman's First Motion to Dismiss (ECF No. 28) be
4 **denied** as moot.

5 **NOTICE**

6 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
7 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
8 held that the courts of appeal may determine that an appeal has been waived due to the failure to
9 file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit
10 has also held that (1) failure to file objections within the specified time and (2) failure to properly
11 address and brief the objectionable issues waives the right to appeal the District Court's order
12 and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153,
13 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

14 DATED this 11th day of October, 2017.

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17 GEORGE FOLEY, JR.
18 United States Magistrate Judge
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